

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SMART SKINS LLC,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

CASE NO. 15-544

ORDER STAYING CASE AND
STRIKING PRETRIAL AND TRIAL
DATES

THIS MATTER comes before the Court on the Parties' response to the Court's Order to Show Cause. (Dkt. No. 145.) Having reviewed the response and the related record, the Court hereby STAYS this matter and STRIKES the trial date and all related pretrial deadlines.

On July 14, 2016, Microsoft filed a Notice of Decision Instituting Inter Partes Review Before the Patent Trial and Appeal Board ("PTAB"). (Dkt. No. 142.) In the Notice, Microsoft explained that it filed a Petition for *Inter Partes* Review of Claims 1, 12, 13, 15, 23, and 24 of U.S. Patent No. 7,079,864 before the PTAB, and that the PTAB instituted *inter partes* review as to these claims but has not made a final determination with respect to the patentability of the

1 claims. (Id. at 2.) Microsoft also indicated that these claims are the same claims that are at issue
2 in this action. (Id.)

3 In light of the Notice, the Court issued an Order to Show Cause why this case should not
4 be stayed pending resolution of the related proceedings before the PTAB. (Dkt. No. 144.) The
5 Parties have filed a response to the Court's Order in which they ask the Court to rule on
6 Microsoft's pending Motion for Summary Judgment without waiting for conclusion of the
7 proceedings before the PTAB. (Dkt. No. 145 at 2.) They Parties argue "[t]his Court has already
8 invested significant time and effort to become familiar with the claims and technology" and that
9 "it would be an efficient use of judicial resources for the Court to rule on Microsoft's Motion
10 rather than deferring that ruling while a parallel proceeding, which has just been initiated, runs
11 its course." (Id.)

12 The Court disagrees and finds it is an inefficient use of judicial resources to allow this
13 case to proceed while related proceedings have been initiated before the PTAB. Therefore, the
14 Court STAYS this case pending resolution of the proceedings before the PTAB. The trial date
15 and all pretrial deadlines are hereby STRICKEN. The Parties are directed to provide the Court
16 with a Joint Status Report every six (6) months or within ten (10) days of resolution of the
17 proceedings before the PTAB. The Court declines to rule on Microsoft's pending Motion for
18 Summary Judgment while this case is stayed.

19 The clerk is ordered to provide copies of this order to all counsel.

20 Dated this 12th day of August, 2016.

21
22 

23 Marsha J. Pechman
24 United States District Judge